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**WEARE BOARD OF SELECTMEN
MEETING MINUTES
August 2, 2010**

PRESENT: TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; DONNA OSBORNE, SELECTMAN; JAMES DONISON, SELECTMAN; KEITH R. LACASSE, SELECTMAN

TOWN ADMINISTRATOR: Naomi Bolton

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Chief Begin, Frank Campana, Forrest Esenwine, Ginger Esenwine, Dawn Wheeler, Nancy Fillmore, Kris Begin, Sheila Savaria, Josh Davis, Jason Modeski, Chantel Kelley, John Hikel, Diane Lugardi, Amy Osborne

7:00 p.m. Chairman Clow called the meeting to order.

PUBLIC COMMENT – Nancy Philmore, resident of Weare, told the Board that she feels it is important to have a police dog in town. The testament of what happened at WMS shows what police men and police dogs can do. She feels that Mica served the community well and hopes that the Board supports the Police Department, citizens and Town of Weare in continuing the program.

Diane Lugardi, resident of Weare for six years, said that she realizes the amount of woodlands in town and how quickly a police dog can cover the area. She feels it is important to keep that in mind as a critical aspect to the Police Department. The program helps with public service and serves as a connection with the children of town. Ms. Lugardi said there were lots of kids at the ceremony and that Mica made the connection between the officers and the kids.

Forrest Esenwine told the Board that he supports the K-9 program. He said that it has been proven that having a dog on the force is not just frivolous and is a large asset to the department. Mr. Esenwine feels the dog helped the department in ways that a regular officer cannot. Mica saved the life of a little boy and you cannot put a price on that, which was just one incident. The turnout for the memorial service indicates the amount of support in town. He said that the Board needs to look beyond a dollar and cents figure on a piece of paper and try to relate to how it helps the community and the Police Department. Having that type of officer on duty cannot be measured and he urged the Board to consider what the program does for the town.

John Hiekel, Goffstown resident, stated that when he got the news of MICA being ill he got in his car to come to Weare to see how he could help with the dog. He met with Officer Kelly and toured the Police Department to see first hand on what the program brought to the town. He favors continuing the K-9 program.

Kris Begin informed the Board that he had the fortune of working with the Weare Police Department and Sergeant Kelley and has seen what Officer Kelly and Mica can do. He feels it is not just a dollar amount but the safety of the town, the officers, the citizens of this town, and the citizens that pass through the town. He hopes the Board finds that they do need to continue with the program.

Don Lyons, New Boston resident, said that he has supported the program since it began. He feels that the Town of Weare is so lucky to have this program, which is one of the finest programs in the country. Mr. Lyons said

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that Mica was capable of saving lives and protecting officers as a first line officer and stated that there is no way to replace a human life.

DISCUSSION OF K-9 PROGRAM – Chief Begin said that the program was utilized approximately forty times per year for the four years. Mica was credited with finding the missing four year old along with a dozen other finds. The department had also utilized Mica in the chasing of assailants and suicide victims fleeing into the woods. Chief Begin said that if these assailants were not found they would not get the help that they needed without hurting anyone. The program is accredited for drug finds. It was mentioned at the ceremony that another town had three officers go through a vehicle searching for illegal drugs and Sergeant Kelly and Mica came on duty and went to the other town and located two more spots in the vehicle that held illegal drugs that the officers missed. He knows that dollars and cents are the driving force behind the whole thought process and explained that Sergeant Kelly and Mica helped other towns when there were on duty, it was not overtime. When Sergeant Kelly and the dog are at training Officer Guay will be covering the shifts so that there is no overtime accrued. Chief Begin said that he understands they have limited sources, he is conscious of overtime, and does not want to see this program go to the wayside because of fiscal issues.

Chairman Clow said he accepts the responsibility for initiating the discussion. No one doubts the program, but last week they found out that revenues coming in to the town are currently down \$60,000 and it is possible to reach \$100,000 by the end of the year. The discussion at the last meeting was regarding how do they make that up or how do they take it out of the current budget to keep the tax rate flat. They had also discussed going to the departments to see what could be cut. Chairman Clow said it is logical to him to review the K-9 program. In October 2006, the first concept of the program that came before the Board was the donation of the dog with a public hearing the following month. Chairman Clow said that it was stated pretty clearly that there would be no cost to the town, the food would be donated and the vet bills covered. In January they found that the first dog did not work out, then Mica came on the scene and training started in March. It was not realized at the time that there is an overtime cost associated with the officer to care for the dog, which is approximately \$8,000 per year. They also looked at the total growth of overtime in the department since 2006 and there are many factors involved.

Chief Begin said there is no way to blame the overtime on the dog. Chairman Clow said a lot of the overtime can be attributed to the K-9 officer. Chief Begin said that they cannot look at the overtime and say that it was Officer Kelly. Chairman Clow said he is not talking against the program, but the overtime is a factor. In 2006 the overtime totaled \$62,000 and has been rising and to date this year is at \$125,000 with many contributing factors. Chairman Clow said that he is speaking for himself, not the Board, he is not against the program, but there must be a way to attribute a cost to the program. He asked if the program costs \$30,000 or \$40,000 program and suspects it could be and stated that the Board needs that information before making a decision.

Chief Begin said he can separate out the costs associated with the K-9 program. He said there were times when the dog saved money in overtime, because she found the drugs a lot quicker than officers could. A lot of the overtime hours were associated with covering vacations, sick time and absences.

Chairman Clow asked if there is a way to backtrack regarding overtime verse regular time back to 2006. Chief Begin said it will take him some time, but if the Board wishes he can start that process.

Vice Chairman Butt said that it is unfortunate that Mica passed away and they are now discussing the cost of the program which should have been discussed 2-3 years ago. Vice Chairman Butt said given the current economic situation the Board needs to look at costs and the cost needs to be separated from the successful program. If Mica was still with them they would still need to have the discussion. Vice Chairman Butt commended Officer Kelly for the work he has done. He said that he recognizes the benefits of the program and the program being a good representative to the community and positive for the town.

Chief Begin asked how they can put a price tag on that. Vice Chairman Butt said it is hard to put a price on it, but it is the situation they are in.

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Vice Chairman Butt commented on the Police Department managing to come in on budget. He feels this program would not drive the costs, it is a good program, but he would like to know the cost of the program. Vice Chairman Butt said they are already continuing the program and someone would have to make a motion to not continue the program.

Chairman Clow asked how many K-9 programs there are in the state. It was discussed that Concord does not have the program, but Goffstown, Hillsboro, and Bow do. Officer Kelly said there are towns the approximately size of Weare that do have K-9 programs; there are close to 50-60 communities in the whole state with K-9 programs. Chairman Clow asked about the State Police and about the availability of state police dogs. Chief Begin said they did utilize a State Police K-9 recently in Clough State Park, if a state dog is nearby than they will utilize it to assist the Weare Police Department.

Selectman Lacasse said he learned a lot about the program during the ceremony. He said that Mica had good support from the community and it is self evident that it is a beneficial program to the town.

Selectman Donison said it is good to see the community support of the program. He was not aware of the full benefits of having a police dog on staff and now realizes the benefits.

Chief Begin said that Sergeant Kelly and the K-9 program have assisted a great deal with mending the fences with mutual aid.

Selectman Osborne said that she does support the K-9 program. She said that at the last meeting she made a comment about the canine being free, the canine was not free but donations. She had also brought up that the dogs teeth cost the taxpayers \$5,000 but the drug forfeitures paid for the canine's teeth and not the taxpayers. She is not against the program, but the Board owes it to the taxpayers to make sure that their tax dollars are going in the right direction.

Chairman Clow said this is a very significant issue. They have only passed three budgets in the last fourteen years in town. The Selectmen are constantly looking for ways to save money in the town and other than the employees of the Police Department employees in town have not received a raise in three years. They have to look at ways to balance the budget. If they want to have quality programs like this, residents have to understand they cost money, and people need to realize this and pass the budget. Chairman Clow said that it is hard to sit where he sits, put together what they feel is an acceptable budget, and year after year the budget fails and now revenues are down. The Board does want to see some balance made so that this does not add \$.11 or \$.12 to the tax rate. They will have to look at everything in each department and see where savings can be made, if they go that route to look for the difference in the shortfall. As they support programs, these programs need to be paid for. Chairman Clow said that it was wonderful that portions of the program were paid for by donation. Residents need to take all this into consideration and trust that the budgets are put together in a sincere and contentious manner and that good programs cost money.

Officer Kelly thanked the Board for their support of the K-9 budget and said that he realizes the economic situation. He also said that his family was thankful for the towns support. He does know the support the canine program has. Officer Kelly said that Mica was a great ambassador to the town and he feels lucky to have been a part. He also knows that anything they discuss, regarding the program, foreshadows money. Dr. Dutton, head of the Weare Hospital, has agreed to continue with routine health care of the dog during office hours and emergency and off duty care will be covered by the Capital Area Veterinary Emergency Services in Concord. Mica was very successful in town, but did have medical issues. Officer Kelly said the fact of the matter is that the program did cost money and there was overtime and handling compensation. Any program costs money, but there is a savings on medical which is the largest cost of the canine. Officer Kelly said that donations from the citizens and children in town extended Mica's life. He thinks it is a valuable program and not only supports the town, but serves as a great ambassador for the kids to get behind. Officer Kelly said that no one ever knows when they will need the help of the dog and he did not expect to get a call for a lost child. When other

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communities needed help they provided it. Mica committed in competitions, the first year did not do well, but they learned if they put their heart behind something and were dedicated they could succeed. Mica went on to win countless awards. Officer Kelly said that he has mixed emotions as to whether the Board has the power to end the program, but he knows he needs the support of the Selectmen. The program has been so successful because of the support of the community and they have received hundreds of letters of support for the program.

Officer Kelly read a letter from the family of the four year old boy who was lost in the woods showing their support for the program and recognizing the value of the program for many reasons. It isn't whether or not the community can afford a new canine; it is whether the community can afford to not continue the program.

Chairman Clow said that the Board does have the authority, he is not sure if it will be exercised.

The Board of Selectmen made no motion to discontinue the canine program in the Town of Weare.

Chairman Clow asked that the Board be given a cost of the canine program. He stated that the Auditors make recommendations regarding internal controls, so they know what things cost and that concept should be applied to a program such as this.

Chief Begin said he has always been agreeable to defining what the Police Department does, whether it is the canine program, court or overtime costs.

MANIFESTS

Chairman Clow moved, Selectman Osborne seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer to sign checks dated August 5, 2010. Passed 5-0-0

Accounts payable	\$108,407.33	
Gross Payrolls	<u>\$38,191.90</u>	(Includes Taxes, Credit Union, Police Detail)
Total	\$146,599.23	

MEETING MINUTES

Chairman Clow moved, Selectman Donison seconded to approve the minutes of July 19, 2010 as printed. Passed 3-0-2 Selectman Osborne and Selectman Lacasse abstained.

Selectman Lacasse moved, Selectman Osborne seconded to approve the minutes of July 26, 2010 as amended. Passed 5-0-0

Chairman Clow moved, Vice Chairman Butt seconded to approve the minutes of July 29, 2010 as written. Passed 3-0-2 Selectman Donison and Selectman Lacasse abstained.

ACCRUED TIME DISCUSSION – Selectman Lacasse said they need to discuss adding wordage to the personnel policy in regards to the notice of retirement.

Vice Chairman Butt said one issue is that there is a new a House Bill that was passed requiring the town to pick up anything over 125% over the three year average. He said that he asked the Finance Administrator to look into that and she is trying to get someone from NH Retirement. She did print out a list of the individuals who have accrued a lot of time. Vice Chairman Butt said that in terms of strategy in how the town can pay out accruals, he does not know if the estimated employer charge is an annual charge. Chairman Clow questions that it would be because of the amount shown. Vice Chairman Butt knows they want to discuss this, but they do not have all the needed information. Vice Chairman Butt said that he thinks the money they have set aside is impacted by this. Chairman Clow said that it is clear to him that this is an obligation put upon the town by the state, and if it is an obligation it can be put into the default budget.

Selectman Lacasse said that if they put it into the default budget he is concerned with a future Board not reviewing the default as diligently as the current Board. Chairman Clow said if it is an annual obligation, they still need to have that discussion on how to go about paying down accruals. Selectman Lacasse said it does

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make sense to wait and see who will be retiring. Vice Chairman Butt said if they pay out the top four that are due, he thinks they will be retiring sooner.

Chairman Clow said they will discuss this at a future date after reviewing the information given to them by the New Hampshire State Retirement.

Chairman Clow said they need to have clarification as to whether the amount on the printout from the Finance Office is a one time expense or an ongoing annual expense. The Board discussed notification as of December 1st of the year prior to retiring or at least six months prior. Selectman Donison said that they cannot mandate a date, he believes the retirement system only requires 30 days notice, but is not sure and would like verification. Selectman Lacasse said they could write it in the personnel policy that to aid the town with financial planning a six months advanced notification of retirement is requested. Chairman Clow said if they ask for a notification date of December 1st that gives them notice. Vice Chairman Butt said some situations will arise that employees will just leave and the town has the obligation and that is why they have the Capital Reserve.

Vice Chairman Butt moved, Selectman Osborne seconded to put into the personnel policy that the Board requests notification by December 1st of the year prior to retiring. Passed 5-0-0

Mrs. Bolton, Town Administrator, will draft the personnel policy to include the date of notification.

ADMINISTRATIVE REPORT – Mrs. Bolton, Town Administrator, informed the Board that she received an email from Mark Broth regarding unsealing non public minutes that have to do with the Police Department. Chairman Clow said the Board will review the minutes in public session but will not discuss them. Chairman Clow said in the past if non public minutes were related to a personnel issue they left the non public minutes sealed, but if there is a direct need the Chairman would move to go into non public session to review the minutes. Mrs. Bolton, Town Administrator, said that the response she received from legal counsel is that he can review the non public minutes and she unsealed them per his request. Town counsel would like the Board, at their next meeting to vote to unseal the minutes so that he can pass the minutes along to opposing counsel.

Selectman Donison informed the Board that in reading the information on the NH State Retirement website, they require no more than 90 days and no fewer than 30 days notification before an effective date of retirement. Therefore the Board can request a date, but not mandate.

It was discussed that if the minutes are not sealed and restricted than the information should be included within the regular minutes of the meeting.

Chairman Clow moved, Selectman Lacasse seconded to open, to the public, the non public minutes of April 5, 2010 relating to the Police Department. Passed 5-0-0

Mrs. Bolton, Town Administrator, said that she will have the complete package for the online taxes final discussion on August 19, 2010.

Mr. Frank Campana said that in listening to the discussion relating to the police dog he is concerned with the money. He said that it surprises him when a discussion takes place on default budget verse proposed budget and he wonders if people are isolated from the economic situations. Mr. Campana said that it is not too early to talk about the budget and he realizes there are expenses that the town has no control over. He has also heard officers discuss Police issues and state that they appreciate the money aspect, but those officers make over \$100,000 per year and are in a different position than he is in and he takes it as a personal insult. Mr. Campana said that he has been on a default budget personally for many years. He knows that the Board has the job of pushing the budget. He does think that the police dog program is a good program to have, but there is a money issue. Mr. Campana said that anytime anyone supports a proposed budget over a default budget he feels they are isolated from the economy.

Chairman Clow said he does understand that the economy is down now, but commented that in 2007 the economy was sailing well but the employee raise package was still voted down. He questions that why in

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fourteen years the budget has failed eleven times. Chairman Clow said there have been good economic times and those are the times that they should be able to catch up.

Mr. Campana said in the good times, he plans for the bad times, and plans for the tomorrows that will be bad again.

Vice Chairman Butt said that in regards to the K-9 program, they are starting to get into a discussion to cut services, they have never done that. He said that this is the first time that he can recall, having a discussion about cutting services. If they are going to start cutting services, they need to look at the whole budget to review for cuts, not just the Police Department. Chairman Clow said he was just requesting the information for the cost of the program to use in making decisions for the budget. Vice Chairman Butt said if they are going to start looking at cutting services to satisfy the budget, they have to look at all the departments. Chairman Clow said that he does not look at this any differently from the time they held back hiring an employee to save on the budget. Vice Chairman Butt said that because of the passing of the dog, this budget issue came forth, but they cannot just isolate one budget to cut services to stabilize the budget. Chairman Clow said the Tax Collector's office hours were cut back, which is cutting back services. Vice Chairman Butt said that the discussion tonight was to cut service. Selectman Osborne said that she agrees with Chairman Clow and would like to see the dollar figures for the program so that if the public wants to see the amounts they know the associated costs. Vice Chairman Butt said if they are going to start looking at services they need to look at town government as a whole.

Chairman Clow said that any Board member can add a discussion to the agenda.

Chairman Clow said that the Board needs to make the decision on whether they are going to make cuts, and if they are than they need to involve department heads. They have not made that decision as a Board. The discussion will be started at the Selectmen's meeting to be held on August 16th.

The Board will meet on Friday, September 3rd to sign the Manifest and will hold regular meetings on Monday, September 13th and Monday, September 20th.

CORRESPONDENCE

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 8:50 p.m. pursuant to the authority granted in RSA 91-A:3II (a&c). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Vice Chairman Butt seconded to come out of non public session @ 9:12 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Selectman Donison moved, Chairman Clow seconded to seal and restrict the minutes of the non public session. Passed 5-0-0.

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 9:13 p.m. pursuant to the authority granted in RSA 91-A:3II (a&c) for a discussion of combining Assessing and Tax Collector. A roll call vote was taken, Chairman Clow – yes; Vice Chairman Butt – yes; Selectman Osborne – yes;; Selectman Donison – yes; Selectman Lacasse – yes. Passed 5-0-0.

Selectman Osborne moved, Vice Chairman Butt seconded to come out of non public session @ 9:25 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0.

Vice Chairman Butt moved, Selectman Osborne seconded to adjourn @ 9:27 p.m. Passed 5-0-0.

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ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary